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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,686	01/18/2002	Garrett Andrew Smith		3768
26375	7590	10/19/2004	EXAMINER	
SINSHEIMER, SCHIEBELHUT, BAGGETT 1010 PEACH STREET SAN LUIS OBISPO, CA 93401			SMITH, JULIE KNECHT	
			ART UNIT	PAPER NUMBER
			3682	

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/052,686	SMITH, GARRETT ANDREW	
Examiner	Art Unit		
	Julie K Smith	3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 29 July 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 13-23 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 13-16 and 23 is/are allowed.

6) Claim(s) 17 and 19-22 is/are rejected.

7) Claim(s) 18 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 14 November 2003 is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 17 and 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Kastan et al. (4,545,691). Kastan et al. discloses a bottom bracket assembly for a bicycle comprising a spindle (16) that is rotatably held in an outer bracket portion (38,72) with two cartridge bearings, each bearing including outer and inner races, wherein the inner races (66) are fit onto said spindle and the outer races (70) are fit into said outer bracket portion, said inner races being fixed on said spindle in both axial directions by abutting inner and outer stop elements (60, 36, 94, see fig. 7), said outer stop element being a stop ring (36,94). Kastan et al. further discloses crank arms (10) received in adapting portions of said spindle such that the crank arms abut against the outer stop elements in an axial direction (see col. 4, lines 3-19). Kastan et al. discloses an outer race mounted in an outer bracket portion such that it is free to move in both axial directions where gaps are provided between the axial end surfaces of said outer race.

Allowable Subject Matter

2. Claims 13-16 and 23 are allowed.
3. Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments with respect to claims 13-23 have been considered but are moot in view of the new ground(s) of rejection.

Regarding claim 17, applicant states that the spindle (16) of Kastan et al. does not include adapting portions to receive crank arms. However, after a closer examination of the reference, Kastan et al. discloses how the spindle can be made in several parts, having separate crank arms being attached to the end portions of the central spindle (see col. 4, lines 3-19).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5,597,242 to Beeler

5,493,937 to Edwards

3,578,829 to Hata

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie K Smith whose telephone number is 703-305-3948. The examiner can normally be reached on Monday-Friday, 8-5:30, (Every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Bucci can be reached on 703-308-3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jks
Jks
October 14, 2004

William C. Joyce 10/15/04
WILLIAM C. JOYCE
PRIMARY EXAMINER